

REMARKS

Claims 1-40 are pending in the present application, and claims 2, 4, 6-8, 11, 14, 16, and 22 have been amended to correct minor informalities. No new matter has been added to this application by the foregoing amendments, with support being found in the specification, claims and figures as filed. In view of this, the Applicant respectfully requests entry of this Amendment and consideration of the present application in view of the Applicant's comments below.

Rejections under 35 U.S.C. § 102(b)

Independent Claim 1

Claims 1-40 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,799,156 to Shavit et al. In paragraph 2 of the Office Action dated July 27, 2006, the Shavit system is said to describe "a coordinator (i.e., system)." The Patent Office has thus taken the position that the "system" described in the Shavit patent is equivalent to the "coordinator" recited in claim 1.

The system described in U.S. Patent No. 4,799,156 is an online, interactive system that allows users of the system to transact business with each other, for example, allowing buyers to place orders with sellers. The "system" itself, however, is an electronic system, i.e. hardware and software for enabling transactions online (see, e.g., column 5, lines 16-65). In the specific passage cited by the Examiner with respect to the coordinator (column 6, lines 19-51), the "system" is clearly described as an electronic system:

"In providing on-line, interactive electronic access to multiple sources as well as to freight, financial, and other related services, the interactive market management ***system*** 50 optimizes the procurement process, cuts costly inventories at each level of the distribution chain and provides controlled access to valuable operational and commercial information."

Column 6, lines 23-29, emphasis added.

By contrast, the coordinator of claim 1 must be capable, *inter alia*, of assuming title in an invoice. While the coordinator may make use of electronic systems to facilitate a particular transaction, the coordinator recited in claim 1 is not itself an electronic system but rather a legal entity (individual, corporation, partnership, etc.) capable of undertaking legal obligations such as taking title in an invoice. In this way, the coordinator can enable transactions to occur between a buyer and seller of products or services without a letter of credit or similar financial instrument being put in place first. In view of the foregoing, the system of the Shavit patent cannot be a coordinator as recited in claim 1.

With respect to the Examiner's contention that the system of the Shavit patent can assume title in an invoice, the Applicant has diligently reviewed the Shavit patent and has found no disclosure to support this contention. Should the Examiner believe otherwise, the Applicant respectfully requests that the Examiner provide a citation to a specific passage within the Shavit patent for the Applicant to review so that the Applicant can evaluate the Examiner's belief. The Applicant respectfully submits that the passage cited by the Examiner for the contention that the system of the Shavit patent can assume title in an invoice, i.e. columns 2-13, lines 1-67, does not comply with the requirements of 37 CFR §1.104. Such a citation, spanning 12 columns of patent text and fully one-third of a 37-column patent document, does not designate "the particular part relied on .. as nearly as practicable," as required by 37 CFR §1.104.

With respect to the disclosure of the bank and financial institution of claim 1 in the Shavit patent, the same lengthy passage of the Shavit patent (columns 2-13, lines 1-67) was cited in the Office Action dated July 27, 2006. The Applicant also respectfully requests that the passages of the Shavit patent relied on by the Examiner as being relevant to these elements of claim 1 be cited more specifically.

In view of the foregoing, the Applicant respectfully submits that the Shavit patent does not anticipate claim 1 of the present application. The Applicant therefore respectfully requests that the rejection of claim 1 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 4,799,156 to Shavit et al. be withdrawn.

Independent Claim 21

With regard to independent claim 21, the Shavit patent is similarly said to describe a coordinator that assumes title in an invoice. In support of this contention, the Examiner has cited column 6, lines 19-51, which mentions distributors, customers/buyers, and the electronic system (50). None of these entities performs the steps of transmitting a second purchase order to a seller based on a first purchase order and then assuming title in an invoice from the seller, as does the coordinator recited in claim 21. As described above, the system of the Shavit patent is not a legal entity capable of assuming title in an invoice.

In view of this, the Applicant respectfully submits that the Shavit patent does not anticipate claim 21 of the present application, and respectfully requests that the rejection of claim 21 under 35 U.S.C. §102(b) be withdrawn. In the event that the rejection of claim 21 under 35 U.S.C. §102(b) is not withdrawn, the Applicant respectfully requests that the specific passages of the Shavit patent which are relied on by the Examiner be recited with more specificity. In the Office Action dated July 27, 2006, the last four steps of claim 21 are said to be disclosed somewhere within columns 2-13 of the Shavit patent, and for the reasons given above, the Applicant respectfully submits that this citation does not comply with the requirements of 37 CFR §1.104.

Dependent claims 2-20 and 22-40

Claims 2-20 and 22-40 depend directly or indirectly from claim 1 or claim 21. In addition to containing further patentable features, these claims are patentable over the Shavit patent for the reasons given above. In view of this, the Applicant respectfully requests that the rejection of claims 2-20 and 22-40 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 4,799,156 to Shavit also be withdrawn.

Conclusion

The Applicant believes that all pending claims, claims 1-40, are in condition for allowance, and a Notice of Allowance is respectfully requested. If, however, there remain any issues which can be addressed by telephone, the Examiner is encouraged to contact the undersigned at the telephone number listed below.

Please charge any fees due in connection with this Amendment or credit any overpayment to Deposit Account No. 19-2090.

Respectfully submitted,

SHELDON MAK ROSE & ANDERSON

Date: December 18, 2006

By: /michael fedrick/
Michael Fedrick
Reg. No. 36,799

225 South Lake Avenue, 9th Flr.
Pasadena, California 91101
(626) 796-4000
Customer No. 23676